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12 INTERNATIONAL

13 SUPERIOR COURT OF THE STATE OF CALIFORNIA
14 FOR THE COUNTY OF MARIN
15

16 CHURCH OF SCIENTOLOGY)
INTERNATIONAL, a California not-for-profit)
17 religious corporation,)

18)
19)
20)
21 Plaintiff,)

22 vs.)

23)
24)
25 GERALD ARMSTRONG; DOES 1 through 25,)
inclusive,)

26)
27 Defendants.)
28

CASE NO. 157680
[LASC NO. BC-052395]
[CONSOLIDATED]
DECLARATION OF LAURIE J.
BARTILSON IN SUPPORT OF
PLAINTIFF CHURCH OF
SCIENTOLOGY
INTERNATIONAL'S REPLY IN
SUPPORT OF MOTION TO
COMPEL DEFENDANT GERALD
ARMSTRONG TO ANSWER
DEPOSITION QUESTIONS, AND
FOR SANCTIONS
DATE: January 27, 1995
TIME: 2:00 p.m.
CALENDAR: Law and Motion
HEARING JUDGE: Discovery
Referee
TRIAL DATE: May 18, 1995

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I, Laurie J. Bartilson, hereby declare:

1. My name is Laurie Bartilson. I represent plaintiff, Church of Scientology International in this action. I have personal knowledge of the facts set forth in this Declaration and could competently testify thereto if called as a witness.

2. Attached hereto and incorporated herein are true and correct copies of documents submitted as exhibits in support of Church of Scientology International's Motion to Compel Defendant Gerald Armstrong to Answer Deposition Questions, and for Sanctions:

EXHIBIT A: Excerpts from the Deposition of Lynn R. Farny taken in this case on July 27, 1994.

EXHIBIT B: Portions of a transcript of a video-taped interview with Gerald Armstrong on November 17, 1984.

EXHIBIT C: Declaration of Vicki Aznaran dated May 19, 1994.

EXHIBIT D: Declaration of Richard Aznaran dated May 19, 1994.

I declare under the penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed this 25th day of January, 1995, at Los Angeles, California.


Laurie J. Bartilson

EXHIBIT A

IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF MARIN

---oOo---

COPY

CHURCH OF SCIENTOLOGY)
INTERNATIONAL, a California)
not-for-profit religious)
corporation,)

Plaintiff,)

vs.)

GERALD ARMSTRONG; MICHAEL)
WALTON; THE GERALD ARMSTRONG)
CORPORATION, a California for)
profit corporation; DOES 1)
through 100, inclusive,)

Defendants.)

AND RELATED CROSS-ACTION.)
_____)

NO. 157-680

DEPOSITION OF:

LYNN R. FARNY

Wednesday, July 27, 1994

VOLUME IV

Reported by:
SUSAN M. LYON
CSR NO. 5829

PENNY L. GILMORE & ASSOCIATES
DEPOSITION REPORTERS
P.O. BOX 862
ROSS, CALIFORNIA 94957
(415) 457-7899

1 A. Yes.

2 Q. -- has Exhibit 16 at any time been a policy of the
3 Church of Scientology, to your knowledge?

4 MR. BOWLES: Asked and answered.

5 THE WITNESS: Not in my experience.

6 MR. GREENE: Q. In your experience, has that issue
7 which is Exhibit 16 ever been published within the Church
8 of Scientology?

9 A. Issues with later dates on them bearing this title
10 have. I have not seen this one outside of being handed it
11 in litigation by the other side.

12 Q. Now, you are familiar with the case known as Allard
13 versus Church of Scientology; right?

14 A. Yes.

15 Q. And in Allard versus Church of Scientology, the
16 court makes -- in the published appellate opinion, the
17 court makes a finding that one of Scientology's policies
18 is that of fair game as is stated in Exhibit 16, doesn't
19 it?

20 A. It discusses, one, what fair game was and, two,
21 gives it the same misinterpretation and false reading that
22 you've been trying to give it.

23 Q. Okay.

24 A. And that was one of the earlier cases that people
25 have latched onto and used as what they think a ticket to

1 big bucks in litigation. It's just a litigation ploy.

2 And that's one of the earlier cases concerning that.

3 Charlie O'Riley was able to create the false idea
4 that fair game, as defined by your side, was continuing to
5 be in existence and be practiced in the 1970's.

6 Q. Okay.

7 A. When it had never been -- actually been as defined
8 as your side has defined it. So that was one of the cases
9 where it started. And once it's published in opinion, and
10 passed around and used by the next litigant that wants to
11 create trouble by the church, create prejudice and ill
12 will.

13 Q. So then what your view is that fair game, in the
14 sense of the language that's used in Exhibit 16, has never
15 existed as a policy or practice in Scientology and only is
16 the origination of litigants adverse to the church who are
17 trying to smear it?

18 A. My view is this, that in the brief time that the
19 term fair game was used in the church, which was '65 to
20 '68, fair game meant that if you renounced the church, if
21 you declare against it, even, you've abandoned any
22 recourse you can seek to the church's internal justice
23 procedures, that you're indeed fair game for whatever
24 society hands you.

25 That doctrine was misinterpreted as an admonition,

1 misinterpreted as opponents to Scientology as an
2 admonition to go out and mess with people's lives. It was
3 never that. That's what I'm defining as that which never
4 existed. It was never an admonition to go out and mess
5 around with people's lives.

6 Then in 1968 the term itself was canceled because
7 it was subject to that misinterpretation. That's what I'm
8 talking about.

9 Q. And the cancellation in '68 is Exhibit 17 here;
10 right?

11 A. Yes.

12 Q. Now, the same mistake was made by the Court of
13 Appeal in Wollersheim versus Church of Scientology, wasn't
14 it?

15 A. Charlie O'Riley was the same lawyer on Allard as
16 Wollersheim and he used that to convince that court of the
17 same thing, yes.

18 Q. And he used fair game prior to any litigation in
19 the Court of Appeal in the trial courts; right?

20 A. He certainly did.

21 Q. And the Wollersheim litigation has been to the U.S.
22 Supreme Court twice; right?

23 A. No.

24 Q. There have been two petitions for cert, have there
25 not?

1 A. Yes, but it's been to the Supreme Court three
2 times.

3 Q. Three times, okay.

4 A. They originally stayed the enforcement, the
5 execution of the judgment.

6 Q. Okay.

7 A. Prior to it's wending its way up to the appellate
8 process.

9 Q. And at this point, Wollersheim is final, right,
10 according to your knowledge?

11 MR. BOWLES: Objection to relevance. You're now
12 exploring the Wollersheim case.

13 MR. GREENE: I'll tell you what, I'll withdraw the
14 question.

15 THE WITNESS: Okay.

16 MR. GREENE: Q. Now, fair game was also used in
17 the Armstrong litigation before Judge Breckenridge falsely
18 by the opponent to Scientology Gerald Armstrong?

19 A. It's been a litigation ploy that has been being
20 used against the church for a long time.

21 Yes. Gerry used it to procure a false verdict,
22 that he was so-called in fear of his life and such that.

23 See, what enables people to make all those wild
24 outlandish charges is because they know it's not true.

25 You don't see anybody walking up and down the

1 street making those kind of claims about the mafia because
2 those people really do kill people, and nobody would have
3 the courage to say something like that because they know
4 they'd start their car and it would blow up.

5 But they can make those sorts of statements about
6 Scientology with reckless abandon because they know
7 nothing is ever going to happen to them. And they're
8 secure in that knowledge and can sit there and carp and
9 yap, yap, yap, yap all they want because they know that
10 nothing like that is ever going to happen because nothing
11 like that has ever happened to anybody.

12 Q. Okay.

13 A. So that's why it's been used as a litigation ploy.
14 It's been very effective, obviously because of the things
15 the guardian's office did.

16 But none of those included that sort of conduct.
17 It just enabled people to make those sort of outlandish
18 charges confident that they could start their car every
19 day and not have a care in the world. Which is true,
20 nobody would need to worry about anything like that.

21 Q. And the guardian's office never engaged in any
22 conduct that would support people being in fear thusly;
23 right?

24 A. Not in fear of their lives, no. They did some
25 stupid things. They broke into government offices. They,

1 you know, did some stupid things with people. And that's
2 why they were disbanded. But killing somebody, being in
3 fear of their lives, to make them in fear of their lives
4 was never even what those crazies did.

5 Q. What about people being set up for criminal
6 prosecution, does Scientology or any element of
7 Scientology ever engage in conduct like that pursuant --

8 A. I don't remember if the guardian's office did.

9 Q. Now, the Court of Appeal in Armstrong affirms Judge
10 Breckenridge's finding that fair game was a practice
11 carried out by Scientology, isn't it, as to Armstrong?

12 A. They affirmed the result. They made statements
13 about some of the comments that Judge Breckenridge made on
14 evidence that was supposed to have gone in for state of
15 mind saying that Breckenridge's comments really didn't go
16 to anything but that. And to a large degree these sort of
17 electrifying but nonsensical statements went to and were
18 allowed in on the basis of state of mind.

19 Q. Now, the fair game policy as erroneously claimed
20 and used by people who have been in litigation with the
21 church is not only limited to activity that might have the
22 consequence of physical destruction, is it?

23 A. What's your question?

24 Q. My question is this. When, in your view, fair game
25 has been falsely and spuriously used against the church in

1 litigation, included within the definition is lying to
2 people; right?

3 A. That's not the definition of fair -- that's not in
4 the definition of fair game. I don't know -- what's your
5 question? Have people falsely claimed that they were lied
6 to and that's fair game? Yeah, people have falsely
7 claimed that, including him.

8 Q. Okay. Including Armstrong?

9 A. Right.

10 Q. And that's one of the reasons for the settlement
11 agreement, is to make sure he doesn't do that anymore;
12 right?

13 A. We've talked about that enough. Go on to another
14 subject, you know.

15 Q. And also suing is included in that definition
16 that's falsely used by people like Armstrong?

17 A. I've heard the asking of deposition questions be
18 called fair game, you know. Were I on the other side
19 right now, and were you a Scientology lawyer right now,
20 the mere asking of questions, innocuous, relevant,
21 completely fine questions I've heard described, "Oh,
22 you're just fair gaming me because you responded to this
23 discovery, because you propounded discovery designed to
24 establish the elements of a claim that, you know, that you
25 have."

1 Yeah, I've heard just about everything be dubbed
2 that because it's so electrifying sounding, people think
3 they can create prejudice with it. I've heard just about
4 everything described as being fair game, including the
5 phone being disconnected because you didn't pay the bill.
6 "Oh, Scientology disconnected my phone. Fair game. Fair
7 game."

8 It's just nonsense, man. You know it. See, and --
9 whatever. Go on.

10 Q. So, in your view, then, a lot of times people that
11 have falsely made statements about fair game as to
12 Scientology really is a consequence of their own paranoia?

13 A. There is certainly that element to it, certainly.

14 Q. And there's no reason for them to be scared of
15 Scientology, they're just bigoted; right?

16 A. In some instances, yes.

17 Q. In Armstrong's?

18 A. Either wrong or bigoted or they're just using it
19 cynically as a ploy to manufacture some sort of litigation
20 advantage.

21 Somebody has a valid claim, those things usually
22 get settled pretty easily. We're not unreasonable people.

23 It's somebody who, for example, takes \$800,000 in a
24 settlement, gives it away to his friends and says that he
25 doesn't have to abide by any of the terms of the

1 settlement, but he gets to keep the money. That is
2 criminal. That's dishonest.

3 If he didn't want to make the deal, he shouldn't
4 have. If he does, fine. But if he didn't, give the money
5 back and we'll start over, that's perfectly okay, just
6 give the money back.

7 See, but he doesn't want to do that. He says, I
8 get to keep what you gave me but I'm not bound, I have no
9 honor. I'm not bound by anything I agreed with you.

10 Q. Okay.

11 A. Yeah, I consider that pretty dishonest and cynical.

12 Q. And that's how you consider Armstrong; right?

13 A. That's not the totality of my consideration about
14 Armstrong. It merely is some conduct he engaged.

15 You seem to have the impression I go around with
16 this, like, "Oh, God, Gerry Armstrong, Gerry Armstrong."

17 No, we have a dispute. If it's possible to resolve
18 the dispute, I'm willing to do that.

19 And the church is perfectly willing and I'm willing
20 to have him live his life and we'll live ours.

21 But when you ask you me about particular instances
22 of conduct on his part, yes, he has engaged in that
23 conduct, but that's not my total view of Gerry Armstong.

24 Q. Oh, I didn't mean to imply that it was.

25 A. I mean, I don't --

Transcript of 17 November, 1984
Meeting between Mike and GA.

M Got your dollar?

G Yeah, how're you doing?

M Very good. How are you?

G Not bad.

M Finally.

G There you go.

M You going to give that back to me?

G If you like.

M Listen I think I need it more than you do, I think.
(Both laugh).

G Got it. Go ahead.

M So, here I am. Now, I guess you're probably gonna want to know a little bit about why me. But, ah, the reason I wanted to meet you is because we're a little concerned at this point at the fact that, you know that stuff is being relayed through this relay point and you know that there may be some misduplications occurring and shit. And I want to get the straight scoop from you. I also, I brought this draft suit because I want to go over that with you, because there are some points that, well, I have a little concern about some of those. About how we're going to handle that. If we were to go ahead and bring that how it would actually come out. But, at certain, at certain times we really need to, to ah, get the real scene, what's really going on. So, I'm gonna, I have a comm line to the rest of the guys. Joey doesn't have that. So, I can be a more direct relay point, because this has been going on now for some time.

G There's a lot of things that I'd like to work out. Which I think will make things a lot easier. First of all the complaint itself that's not set in concrete, you know ...

M No, no, I understand.

G And, a lot of issues keep coming up which kind of broaden the whole thing as far as I'm concerned. Ah, last time I met with Joey it was just the girl. And, ah, at that point I was basically given the go ahead to locate an attorney. I don't know if you guys have an attorney, I don't know what the status of that is. However, when apparently the money fell through, or whatever happened, I did not have a named three attorneys and I'd be willing to do that, but that's kind of the last thing I was left with.

M Right.

G My understanding is that it's sort of up in the air, the whole thing. And that's OK, I don't have any compulsion to do any of it, you know. My opinion of the organization is that it's in a state of transformation. It has to be altered and it is altering itself and it will continue. We happen to be in a situation right now where something good could come out of it. That's philosophically where I stand on it. I don't want to continue on a legal battle against anyone...

M Well, that's exactly what our position is on that. I mean

M -Ya, but do we have to, do we have to find someone that has personal knowledge of that in order to get an affidavit of those things?

G How much was paid to Ingram?

M I don't know that data yet.

G Who paid?

M I presume the attorneys paid him.

G Ya, but it comes from your money.

M Right, so then it would be how much is paid to the attorney, I mean that's what we would want to know.

G Who gets an accounting of , you know, your board members, your fucking board members. Your guys on the board and you can't find out? Those are the people who should be signing it, who should be doing it-

M -ok I'm not asking about whether they can find, but whether they need to in order to be able to do this. Do you what I'm saying' its like-

G They can allege it. They can allege it. They don't even have, they can allege it.

M So they don't have to like, they don't to have you know the document sitting in front of them-

G -They can fucking say the organization destroys the document.

M I see.

G But you can simply say, you know upwards of millions of dollars have been paid. And, fucking attach a god damn, if you attach Freedom and say the whole thing is a crock of shit, that, fucking, you know, a crock has to look at that seriously. You know the fact that, you know, how about, how about whole, mailing list, can you get mailing list? Who got Freedom, who much was paid for Freedom., who was it sent to? How about these issues being put out on, on people, who gets them. How much money is , is spent on that shit?

M That all going along this same line of-

G -the fact that organized, number one there is, you have to say there is a, a conflict, a disagreement about control of funds. Number 2 we're requesting that the assets be frozen immediately. And the reason is (knocks on something) this and this and this. Organization, supposedly this religious organization is spending non-profit funds to destroy someones reputation. They are paying private investigators millions of dollars to destroy someones reputation. Fab-, with fabricated evidence. You can allege that. I have a lot of faith in Mike Flynn, you I really don't know one way or the other if the Tamimi thing is bull shit. But I've also spoken to the US Attorney, Deputy US Attorney in Boston and every thing I get from anyone is they are going on the bases that its bullshit and will uncover it sooner or later. They are trying to extridite Timimi right now.

M That would be a real PR coup.

G Yeah, but I'm saying ... you guys can allege it. Now also, I mentioned to Joey last time, I don't think that anyone has to get into a frame of mind where if they don't file this thing two days following the indictment ... like they have to take a big loss on it. I wouldn't ... you know, within your group I would let them know that, you know, the timing is not that critical, it's more sensible that everything be well done and well prepared and well thought out.

M Right. I completely concur with that. I mean ...

G However, it's ... you know, I would not delay years

Strange voice comes and asks something.

M No thanks.

G So, ...

M Ah, yeah.

G Just so that the boys inside, don't take a big loss on oh fuck we didn't do it, and you know, the indictment's happened. It can be done, but it should also be ... I think that something should happen within the next couple of months. You guys should be fuckin get affidavits. You you, probably the boys - some of them aren't writers. Right. It's a real pain to fucking ... I know, and I've written ... But it's all of these things, it isn't just organizational, there's all the personal conflicts and there's all the egos that are all involved, and the whole thing.

M Right.

G And, but, you know, get me what they can ... and part of what I talked ...

M What do you want to do with them?

G I want to fucking see what , what can be done, otherwise ...

M You want to sit down and just kind of go over it, and go over it ...

G I want to fucking go over it, I want to have them and I want to give them to an attorney. I want to talk to the girl and I want to set up an office and I want to set up a separate corporation. I want to set up a corporation which is, which will act as outside the organization, a clearing house for improving conditions inside. Just the same way that OSA is currently requesting all these knowledge reports set up an office somewhere and hire the organization's own mailing lists, get knowledge reports on the guys at the top.

M I dig.

G With the intention of ... there's so many things that can be done ...

M I dig

G And I want to set up with her, you know, an office, so that so that, you know, you guys sit ... you don't all have typewriters, right?

M I don't think there's too much problem getting access to a typewriter, but ...

G Well, I don't know ...

M Yeah, but everybody doesn't have a typewriter ...

G Exactly.

M That's true.

1 since my staff duties included responsibilities regarding certain
2 areas of litigation.

3 4. Thus, having participated in Scientology litigation
4 both as a Church executive and as a litigant against the Church,
5 I bring two distinct, but related, perspectives to this
6 declaration from my personal knowledge and observation. First,
7 at the time my husband and I brought our own suit I understood
8 that the legal system could be used to pursue my position.
9 Later, upon having sued various Scientology churches and having
10 allied myself with other litigants and their counsel suing
11 Scientology churches, I observed first hand the ways in which the
12 legal system is successfully used by litigants and counsel
13 opposing the Church.

14 5. The fundamental premise upon which the Church's
15 adversaries and their lawyers operate is the likelihood that
16 courts and juries are willing to believe any allegation made
17 against the Church by a former member, without regard to
18 plausibility, contrary evidence or the true facts. That concept
19 was most succinctly expressed, on videotape, by anti-Scientology
20 litigant, Gerald Armstrong, when he stated that a lack of
21 documents or evidence was no impediment to litigating against the
22 Church when the litigant can "just allege it." The active
23 pursuit of that litigation approach has now led to the formation
24 of a small group of disaffected Scientologists who are now
25 employed by an even smaller number of attorneys who are making a
26 practice of litigating against the Church. This stable of
27 witnesses can be relied upon to furnish "corroboration" for any
28 allegation which an attorney wishes to make against the Church in

1 pleadings, at deposition, in affidavits, and ultimately in trial
2 testimony.

3 6. The abusive device most consistently utilized by
4 litigants and counsel adverse to the Church occurs in connection
5 with the filing of declarations or affidavits. It is common
6 knowledge among the stable of disaffected ex-Scientologists who
7 supply such sworn statements that the attorneys dictate the
8 desired content of such testimony with the primary, often sole,
9 purpose of presenting inflammatory accusations that prejudice the
10 Church in the eyes of the court. In such declarations or
11 affidavits, context, the truth, and relevance to the issues in
12 the case are disregarded altogether. As time has passed and this
13 technique has evolved, anti-Church litigants and their counsel
14 have become more and more emboldened in making such declarations
15 and affidavits because the tactic has proven to be so effective
16 in poisoning courts and juries against the Church.

17 7. The most common and probably the most devastating
18 manifestation of this tactic is the use of allegations concerning
19 the so-called "Fair Game" policy of the Church. The term "Fair
20 Game" has been misrepresented and repeatedly used by the Church's
21 litigation adversaries as a means to create prejudice against the
22 Church. To accomplish that end, counsel fashions a declaration
23 in which the witness identifies an ugly event -- real, imagined,
24 or just plain invented -- and then alleges that it was a
25 deliberate act which was committed by the Church. The idea is to
26 create the false impression that the Church is committing acts of
27 retribution in pursuit of "Fair Game."

28 8. A central element of exploiting the "Fair Game" tactic

1 is to make certain that the allegations are crafted so they
2 cannot be objectively disproved. In other words, the declarant
3 makes an allegation of a bad or harmful or harassing act that
4 cannot be documented in a tangible form and then alleges that it
5 was done by the Church pursuant to the Fair Game "policy." By so
6 doing, the declarant has put the Church in the impossible
7 position of trying to prove a negative and trying to prove it
8 without documentation. It becomes a matter of the declarant's
9 word against that of the Church, and by making the act alleged
10 sufficiently despicable, the result is prejudice against the
11 Church.

12 9. The Fair Game policy was a policy to forward
13 Scientology's belief that any attacks on Scientology by those
14 seeking to destroy it were to be vigorously defended by legal
15 means and never ignored. It was not a policy condoning or
16 encouraging illegal or criminal activities. The policy was
17 misinterpreted by others and was thus canceled. It has since
18 been used by litigants over the years as a vehicle to give
19 credibility to allegations to try to prejudice courts against
20 Scientology. An event happens such as someone's wife dies in a
21 car accident, and the allegation is made that this is a murder
22 committed by the Church pursuant to "Fair Game" policy. This
23 technique is known to those who attack the Church and so they
24 continue to use this term to try to prejudice the courts. These
25 people feel comfortable making scandalous allegations, knowing
26 that the Church does not have such a policy. I am unaware of any
27 allegations of "Fair Game" being made by persons who have simply
28 left the Church. Rather, the charges of Fair Game are invariably

1 made by parties who have subsequently become involved in
2 litigation with the Church and who have started working with
3 other anti-Scientology litigants familiar with this tactic.

4 10. It has been my experience that these litigants and
5 lawyers become emboldened because the history of Scientology
6 litigation demonstrates that virtually any charge leveled against
7 the Church in litigation by an avowed enemy, no matter how
8 outrageous or unfounded, will be accepted and believed. Based on
9 my experience it is a matter of common knowledge that efforts by
10 the Church to refute such prejudicial allegations have commonly
11 not been believed in the courts.

12 11. Thus, it has become a routine practice of litigants to
13 make accusations against the Church, including even false
14 allegations of threats of murder, which would be summarily thrown
15 out of court as unsupported and scandalous in other litigation.
16 They do it because it works, and they do it by deliberately
17 mischaracterizing the term "Fair Game". They do it as an
18 intentional means to destroy the reputation of the Church in the
19 context of litigation so that they can win money or force the
20 Church to settle.

21 12. While I was in the Church I witnessed the "Fair Game"
22 allegations made by Gerry Armstrong and Larry Wollersheim in
23 their litigation against the Church. My position in the Church
24 at the time gave me broad access to what was occurring and I
25 would have known were the allegations made by Armstrong and
26 Wollersheim true. Wollersheim, for example, made the allegation
27 that a pipe bomb was found on his parent's lawn and, without any
28 corroboration, blamed the Church. I know from my own personal

1 knowledge that this outrageous allegation of Church involvement
2 is absolutely false. During the Wollersheim trial, rumors began
3 to spread throughout the trial courtroom that Judge Ronald
4 Swearinger had been followed, his tires had been slashed, and his
5 pet dog had drowned, and that the Church was responsible for that
6 supposed activity. All of those allegations of Church complicity
7 were false, as well, as I now personally attest. Armstrong
8 alleged the Church was trying to kill him and this allegation
9 also was just made up. I know of its falsity of my own personal
10 knowledge. Both Armstrong and Wollersheim continue to make the
11 same type of outrageous allegations of Fair Game to forward their
12 litigation to this day, due in no small measure to the fact that
13 they practiced Fair Game so effectively in their earlier,
14 victorious litigation against the Church.

15 13. The term "fair game" has become a catch phrase for
16 those who attack the Church. When I was in the Church I never
17 heard it referred to as a policy to be used, the only time it was
18 discussed was in reference to litigation in which it was being
19 alleged by Church adversaries. When I was in the Church, I knew
20 that litigants opposing the Church were constantly making fair
21 game allegations against us and that those allegations were
22 nonsense. I also know the frustration those allegations caused
23 because of the willingness of courts and juries to embrace them.
24 From my experience in litigating against the Church, I can see
25 that nothing has changed in this regard. I also know from my
26 experiences in suing the Church and from my association with
27 other litigation adversaries of the Church that they know that
28 "Fair Game" as they portray it is not Church policy. "Fair Game"

1 exists only as a litigation tactic employed against the Church.

2 I declare under the penalty of perjury under the laws of the
3 United States of America, and under the laws of each individual
4 state thereof, including the laws of the states of California and
5 Texas, that the foregoing is true and correct.

6 Executed this 19th day of May, 1994 in Dallas, Texas.

7
8 
9 VICKI J. AZNAR

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1 favorable settlement or substantial verdict. It was after we
2 filed our suit and joined the ranks of the litigation adversaries
3 to the Church that we learned directly how these attorneys and
4 their cadre of witnesses have manipulated the court system in
5 order to get money from the Church.

6 4. Vicki and I filed our own suit relying on the premise
7 believed in and followed by other Church legal adversaries and
8 their lawyers, that courts and juries are seemingly willing to
9 believe any allegation made against the Church by a former
10 member, without regard to plausibility or the truth. This is the
11 operating premise of a small group of disaffected former
12 Scientologists and their attorneys who make a practice of
13 litigating against the Church. We felt secure that this stable
14 of witnesses could be relied upon to furnish "corroboration" for
15 virtually any allegation which an attorney wishes to make against
16 the Church in pleadings, at deposition, in affidavits and
17 ultimately in court testimony.

18 5. In the complaint which Vicki and I filed against the
19 Church there were numerous allegations which were either false or
20 which we could not substantiate. Even though our attorneys were
21 made aware of these falsehoods through the discovery process,
22 they took no action to correct or amend the complaint.

23 6. For instance, I have testified in deposition that the
24 allegations regarding the "sale of copyrights" of the book
25 Dianetics, as stated in paragraph 7, was inaccurate. I have no
26 knowledge regarding any sale of copyrights.

27 7. In paragraph 13 of the complaint, the statement that
28 the E-meter would indicate the degree of credibility and loyalty

1 of a person is totally false. I have testified that this was not
2 so and indicated that this was written by someone who was
3 unfamiliar with the E-meter.

4 8. I am alleged in paragraph 15 of the complaint to have
5 been a public relations "expert". I have never considered myself
6 to be such an "expert" and have testified as such in my
7 deposition.

8 9. I have also testified that allegations in the complaint
9 concerning separation from my wife, lack of knowledge of her
10 whereabouts and prevention of communication between us, as
11 alleged in paragraphs 19 and 44 were incorrect.

12 10. I am also aware, and have testified that the
13 allegations in paragraph 16 regarding my wife Vicki being
14 assigned to work for ASI, and being commissioned to reorganize
15 the Church's corporate structure were not factual.

16 11. In addition, a \$70,000,000.00 damages claim was added
17 into the complaint by one of our lawyers. This was a totally
18 meaningless number, that had nothing to do with anything remotely
19 connected to any damages that we may have suffered.

20 12. It is common knowledge among anti-Scientology attorneys
21 and their clients that there exists a stable of disaffected
22 Scientologists who willingly supply affidavits as needed for the
23 attorneys. This device is used by the attorneys who themselves
24 dictate the desired content of the affidavits, with the primary
25 purpose of presenting material designed to prejudice the Church
26 before the court. Litigants and their counsel have in recent
27 years become increasingly willing to swear to false or
28 unsupported allegations in such affidavits. Undeterred by any

1 sanctions or restraints, these litigants have become emboldened
2 to the point where virtually any allegation is made with
3 alacrity.

4 13. The way this is accomplished is to word allegations in
5 a way to make them virtually impossible to disprove. In other
6 words, the witness claims he has been subjected to some harmful
7 act that cannot be proven and claims it was done by the Church
8 pursuant to the Fair Game "policy." In this way, the witness
9 forces the Church to prove a negative and it becomes a matter of
10 the declarant's word against that of the Church. By making the
11 act alleged sufficiently despicable, the result is prejudice
12 against the Church.

13 14. It does not matter to Church opponents that the Fair
14 Game "policy" never condoned or authorized the infliction of harm
15 on anyone under any circumstances, or that the policy was
16 canceled more than a quarter of a century ago because it was
17 misinterpreted. These witnesses and attorneys know these things,
18 but know how impossible it is to prove a negative. They also
19 feel free to make these scandalous allegations, secure in the
20 knowledge that the Church does not have a Fair Game "policy" and
21 will not take any sort of harmful action against them. In other
22 words, the Church opponents can make up all sorts of claims that
23 they "fear for their lives," are subject to "harassment," or
24 virtually any other inflammatory charge no matter how false or
25 how outrageous, confident that the Church will never engage in
26 retribution.

27 15. The certainty that they are safe from harm no matter
28 what they allege makes the Church's litigation opponents bolder

1 and bolder in their presentation of unsubstantiated allegations.
2 They are also made more confident by virtue of the fact that
3 virtually any charge leveled against the Church in litigation, no
4 matter how false or scurrilous, will be accepted and believed by
5 the Courts. It is common knowledge based on experience among the
6 Church's adversaries that any efforts by the Church to refute
7 such prejudicial allegations have commonly not been believed by
8 juries.

9 16. People litigating against the Church can even make such
10 wild and bizarre claims as the Church ordered them to kill
11 someone or to commit suicide, charges summarily thrown out of
12 court as unsupported and scandalous in litigation not involving
13 the Church. They do it because it works, and they do it by
14 deliberately mischaracterizing the term "Fair Game" to falsely
15 suggest that it represents a policy of committing harmful acts.
16 They do it as an intentional means to destroy the reputation of
17 the Church in the context of litigation so that they can win
18 money or force the Church to settle.

19 17. The term "fair game" has become a catch phrase for
20 those who attack the Church. When I was in the Church I never
21 heard it referred to as a policy to be used, the only time it was
22 ever discussed was in reference to litigation in which it was
23 being alleged by Church adversaries. When I was in the Church, I
24 knew that litigants opposing the Church were constantly making
25 fair game allegations against us and that those allegations were
26 nonsense. I also know the frustration those allegations caused
27 because of the willingness of courts and juries to embrace them
28 even though they were false. From my experience in litigating

1 against the Church, I can see that nothing has changed in this
2 regard. I also know from my experiences in suing the Church and
3 from my association with other litigation adversaries of the
4 Church that they know that "Fair Game" as they portray it is not
5 Church policy. "Fair Game" exists only as a litigation tactic
6 employed against the Church.

7 I declare under the penalty of perjury under the laws of the
8 United States of America, and under the laws of each individual
9 state thereof, including the laws of the states of California and
10 Texas, that the foregoing is true and correct.

11 Executed this 17 day of May, 1994 in Dallas, Texas.

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14 RICHARD AZNARAN

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PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

I am employed in the County of Los Angeles, State of California. I am over the age of eighteen (18) years and not a party to the within action. My business address is 6255 Sunset Boulevard, Suite 2000, Los Angeles, CA 90028.

On January 25, 1995, I served the foregoing document described as DECLARATION OF LAURIE J. BARTILSON IN SUPPORT OF PLAINTIFF CHURCH OF SCIENTOLOGY INTERNATIONAL'S REPLY IN SUPPORT OF MOTION TO COMPEL DEFENDANT GERALD ARMSTRONG TO ANSWER DEPOSITION QUESTIONS, AND FOR SANCTIONS on interested parties in this action,

by placing the true copies thereof in sealed envelopes as stated on the attached mailing list;

by placing the original true copies thereof in sealed envelopes addressed as follows:

FORD GREENE
HUB Law Offices
711 Sir Francis Drake Blvd.
San Anselmo, CA 94960-1949

William R. Benz, Esq.
900 Larkspur Landing Circle, No. 185
Larkspur, CA 94939

BY FAX AND MAIL

*I deposited such envelope in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid.

As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more

than one day after date of deposit for mailing an affidavit.

Executed on January 25, 1995 at Los Angeles, California.

[] **** (BY PERSONAL SERVICE)** I delivered such envelopes by hand to the offices of the addressees.

Executed on _____ at Los Angeles, California.

[X] (State) I declare under penalty of the laws of the State of California that the above is true and correct.

[] (Federal) I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

Laurie J. Bartisur
Print or Type Name


Signature

* (By Mail, signature must be of person depositing envelope in mail slot, box or bag)

** (For personal service signature must be that of messenger)

PROOF OF SERVICE

STATE OF CALIFORNIA)
) ss.
COUNTY OF LOS ANGELES)

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by placing the true copies thereof in sealed envelopes as stated on the attached mailing list;

by placing the original true copies thereof in sealed envelopes addressed as follows:

MICHAEL WALTON
700 Larkspur Landing Circle
Suite 120
Larkspur, CA 94939

BY MAIL

*I deposited such envelope in the mail at Los Angeles, California. The envelope was mailed with postage thereon fully prepaid.

As follows: I am "readily familiar" with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with U.S. postal service on that same day with postage thereon fully prepaid at Los Angeles, California in the ordinary course of business. I am aware that on motion of party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing an affidavit.

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Laurel B. Ball
Print or Type Name


Signature

* (By Mail, signature must be of person depositing envelope in mail slot, box or bag)

** (For personal service signature must be that of messenger)